

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by pluralizing the term “beads”, as supported by original Claim 1. Claim 4 has been amended by deleting functional language and inserting appropriate Markush terminology. Claim 6 has been amended by deleting “such as” terminology. Claim 8 has been amended as supported in the specification at page 10, line 8.

New Claims 11-14 have been added. Claim 11 claims the subject matter deleted by the above-discussed amendment to Claim 6. Claims 12 and 13 are supported in the specification at page 8, lines 1-3. Claim 14 is supported in the specification at page 8, lines 16-18.

No new matter is believed to have been added by the above amendment. Claims 1-14 are now pending in the application.

REMARKS

The rejection of Claims 1-4, 6-7 and 10 under 35 U.S.C. § 102(b) as anticipated by US 4,692,472 (Ingram et al), is respectfully traversed.

The present invention is drawn to a process for the preparation of expandable vinyl aromatic polymers which involves, *inter alia*, polymerizing in the presence of a suspending agent selected from inorganic salts of phosphoric acid and washing with a non-ionic surface-active agent to remove the inorganic salt of phosphoric acid.

Ingram et al is drawn to a process for the preparation of expandable vinyl aromatic copolymers derived from monomers inclusive of divinylbenzene as a comonomer (column 1, lines 46-49). The copolymers may be prepared by aqueous suspension polymerization in the presence of an inorganic suspending agent such as tricalcium phosphate and a suitable modifier (paragraph bridging columns 1 and 2). As recited in Claim 2 therein, and disclosed in Example I, the suspending agent may also include polyoxyethylene(20)sorbitan monolaurate non-ionic surfactant.

Contrary to the finding by the Examiner, Ingram et al does not employ the above-discussed non-ionic surfactant to wash already prepared vinylaromatic polymer beads to remove the tricalcium phosphate suspending agent. Rather, as discussed above, Ingram et al includes the non-ionic surfactant as part of the suspending agent system. Indeed, said Example I discloses washing the beads with water alone (column 4, lines 66-67). Thus, Ingram et al does not anticipate or otherwise render the present claims unpatentable. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejections under 35 U.S.C. § 103(a) of Claims 1 and 8 as unpatentable over Ingram et al in view of US 4,174,427 (Davis et al), and of Claims 1, 5 and 9 as unpatentable over Ingram et al in combination with US 6,414,041 (Glück), are respectfully traversed. The disclosures and deficiencies of Ingram et al have been discussed above. Neither Davis et al nor

Glück remedy these deficiencies. Davis et al is drawn to the use of a non-ionic surfactant to remove a polyvinyl pyrrolidone suspending agent coated on the surface of polystyrene beads. A person of ordinary skill in the art would not equate the tricalcium phosphate suspending agent of Ingram et al with the polyvinyl pyrrolidone of Davis et al. Glück is drawn to the preparation of expandable polystyrene beads in aqueous suspension in the presence of, *inter alia*, graphite. However, Glück discloses and suggests nothing with regard to washing their polystyrene beads to remove a tricalcium phosphate suspending agent with a non-ionic surface-active agent.

For all the above reasons, it is respectfully requested that these rejections be withdrawn.

Applicants respectfully call the Examiner's attention to the Information Disclosure Statement (IDS) filed December 14, 2004. The Examiner is respectfully requested to initial the Form PTO 1449 submitted therewith, and include a copy thereof with the next Office communication. A copy of the Form PTO 1449 is **submitted herewith** for the Examiner's convenience.

Moreover, since the date of the IDS is before the date of the Office Action and thus technically was part of the Official file as of the Office Action date, Applicants respectfully request that should the Examiner determine that a new ground of rejection needs to be made in the next Office Action relying in whole or in part on any of the references cited in the IDS, then said next Office Action not be made Final, even if the new rejection was necessitated by the present amendment to the claims.

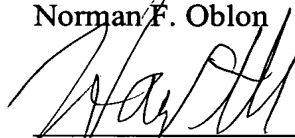
Application No. 10/516,935
Reply to Office Action of March 26, 2007

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Harris A. Pitlick

Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

NFO:HAP\la